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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,036	07/14/2000	Woo Hyun Paik	0630-1127P	6100

7590 08/28/2003

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EXAMINER
DEMICCO, MATTHEW R

ART UNIT	PAPER NUMBER
2697	4

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/617,036	PAIK ET AL.	
	Examiner	Art Unit	
	Matthew R Demicco	2697	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 July 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 1, 106. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8-9, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,470,378 to Tracton et al.

Regarding Claim 1, Tracton discloses a broadcasting service system (See Figure 4) using a mobile communication terminal (Col. 7, Lines 26-28) comprising a converting means (Cols. 7-8, Lines 62-5) that converts a video and audio signal (Col. 4, Lines 33-35) provided from a moving picture information into a format agreed with a signal and transmission standard of a mobile communication network (Col. 5, Lines 58-62). Further disclosed is a transmitting means (See Figure 9, 420), which transmits the converted

video and audio signal to a subscriber (442) though a certain transmission channel of the mobile communication network (444).

Regarding Claim 2, Tracton discloses a system as stated above in Claim 1 wherein the video and audio information agrees with a first signal standard for a television broadcasting (Col. 4, Lines 33-35), the converted digital video and audio information agreeable to the mobile communication network as stated above agrees with a second signal standard (Col. 4, Lines 45-49) and the first and second signal standard agree with a signal standard which is capable of converting between different systems as is well known in the art.

Regarding Claim 3, Tracton discloses a system as stated above in Claim 2 wherein the first signal standard agrees with MPEG2 and the second standard agrees with MPEG4 (Col. 4, Lines 33-49).

Regarding Claim 4, Tracton discloses a system as stated above in Claim 1 wherein the converting means includes a coding means which codes the digital video and audio data agreeable to the digital television broadcasting system as stated above and formats the coded data agreeable to the mobile communication network transmission as stated above, and a converting-controlling means which convert-controls a transmission rate for agreeing with the transmission rate of the mobile communication network (Col. 3, Lines 44-48 and Col. 5, Lines 58-61).

Regarding Claim 8, Tracton discloses a system as stated above in Claim 1 wherein the transmitting and converting means transmit data through a connected

transmission channel (444) between a mobile communication subscriber (442) and a base station (402).

Regarding Claim 9, Tracton discloses a system as stated above in Claim 1 wherein the converting and transmitting means transmit the video and audio signal through the communication network (444). It is inherent that at least one transmission channel be allotted for transmission of data, be it a physical channel (e.g. range of RF bandwidth) or a virtual channel on a digital transmission medium (e.g. TCP/IP port).

Regarding Claim 11, Tracton discloses a mobile communication terminal (Col. 7, Lines 26-28) comprising a digital video and audio data reception means (See Figure 4, 112), a decoding means (106) which decodes the received digital data, and an outputting means which outputs the decoded signal (Col. 9, Lines 6-20).

Regarding Claim 13, Tracton discloses a system as stated above in Claim 11 wherein the mobile communication terminal is a cellular phone (Col. 7, Line 27).

4. Claims 15-26 and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by of U.S. Patent No. 6,263,503 to Margulis.

Regarding Claim 15, Margulis discloses a broadcasting service system (See Figure 1) using a mobile communication terminal (158) comprising a digital video and audio input means (122, 128, 134) which is provided a digital A/V signal from a provider of the pertinent information, a transcoding means which converts the inputted digital video and audio signal into a format and transmission rate agreeable to the mobile communication network (Col. 7, Lines 36-64) and a transmitting mean (156) which

transmits the transcoded-converted digital signal. It is inherent that at least one transmission channel be allotted for transmission of data, be it a physical channel (e.g. range of RF bandwidth) or a virtual channel on a digital transmission medium (e.g. TCP/IP port).

Regarding Claim 16, Margulis discloses a system as stated above in Claim 15 wherein the broadcasting service system includes EPG and additional data converting means which converts EPG data and additional information for selecting the digital broadcasting channel into a format agreeable to the mobile network (Col. 4, Lines 44-55).

Regarding Claim 17, Margulis discloses a system as stated above in Claim 16 wherein the broadcasting service system transmits the EPG data and additional information as the agreeable format to the mobile communication network (Col. 4, Lines 51-55).

Regarding Claim 18, Margulis discloses a system as stated above in Claim 16 wherein the EPG data converting means inherently includes a decoding means which decodes the inputted EPG stream of the digital broadcast. Further, it is inherent that there be a restoring means for retrieving the decoded EPG data in order to broadcast it to the users. In any digital system where data conversion occurs, there is inherently a memory (See Figure 6) that is used to store data to be processed. This reads on the claimed data base means that stores the information corresponding to the restored EPG data. Further disclosed is an EPG outputting means that outputs the EPG information from the data base corresponding to a subscriber request and a converting means that converts the

additional information of the digital broadcast into a format agreeable to the mobile communication network (Col. 4, Lines 51-55).

Regarding Claim 19, Margulis discloses a broadcasting service system (See Figure 1) using a mobile communication terminal (158) comprising a DSP means for receiving the digital broadcasting signal and providing a broadcasting program to the mobile communication network (Col. 5, Lines 15-19). Further disclosed is a medium storage mean (See Figure 6, 646) for storing broadcast information processed by the digital signal processing means (518). Further disclosed is a data processing and converting means for converting the EPG data and additional information processed by the SDP means into a signal format agreed with the mobile network as stated above in Claims 15-18. Further disclosed is a transcoder (Cols. 7-8, Lines 36-10 and Col. 8, Lines 44-55) and transmission means (156) for receiving the A/V data and additional information processed by the DSP means and converting it into a signal format agreeable to the mobile network and outputting it.

Regarding Claim 20, Margulis discloses a system as stated above in Claim 19 wherein the DSP means includes a tuner (120, 132) for selecting the digital broadcasting signal input through the transmission medium such as a television broadcast (128), satellite broadcast (134) and cable broadcast (122). It is inherent that these tuners have a demodulating means (612) for restoring the selected digital broadcast signal. Further disclosed is a demultiplexer (Col. 11, Lines 42-46) for fetching the EPG and additional information from the demodulated signal, and a decoder for decoding the A/V signals (See Figure 5, 538).

Regarding Claim 21, Margulis discloses a system as stated above in Claim 19 wherein the data processing and converting means includes an EPG and additional information data decoding mean as stated above in Claim 18. Further, Margulis discloses a signal-converting mean as stated above in Claim 18. It is inherent that the signal conversion means have a protocol converting means for converting the converted EPG data into a protocol agreed with the mobile communication network in order for the client to be able to receive the EPG and additional information data.

Regarding Claim 22, Margulis discloses a system as stated above in Claim 19 wherein the transcoder and transmission mean include a transcoder (538) for transcoding the digital broadcast A/V signal into a format agreed with the mobile communication network. Further Margulis discloses a system that reduces the bit rate of the A/V data (Col. 7, Lines 65-67). This reads on the claimed transmission rate control means for controlling the transmission rate agreeable to the mobile network. Further it is inherent that there be a converting mean for converting the output of the data processing and converting means into a data protocol agreeable to the network in order for the clients to be able to receive the data properly. It is further inherent in such a digital system that there be a synchronization processing means for synchronizing information during transcoding and protocol converting such that time-based data be delivered in the appropriate order to the viewers. Further disclosed is a transmitting means (156) for transmitting the data in real time over the network. It is inherent that at least one transmission channel be allotted for transmission of data, be it a physical channel (e.g.

range of RF bandwidth) or a virtual channel on a digital transmission medium (e.g. TCP/IP port).

Regarding Claim 23, Margulis discloses a broadcast server method using a mobile communication terminal as stated above. Further disclosed is converting a broadcast signal including digital video and audio data into a format agreed with a signal and transmission standard of the mobile network and transmitting the data to a subscriber through a certain transmission channel of the mobile network as stated above.

Regarding Claim 24, Margulis discloses a method as stated above in Claim 23 wherein the converting process includes the steps of converting A/V data of a digital broadcast into a data format agreeable to the standard and transmission rate of the mobile network as stated above and converting the EPG data and additional information as stated above.

Regarding Claim 25, Margulis discloses a method as stated above in Claim 23 wherein the transmission process includes the steps of synchronization of the converted digital A/V data, EPG data and additional information as stated above. Further disclosed is converting the data into a protocol agreeable to the mobile communication network and allotting a certain transmission channel and putting the digital data corresponding to the protocol of the network on the channel as stated above.

Regarding Claim 26, Margulis discloses a broadcasting service method using a mobile communication terminal as stated above comprising transmitting EPG data to a subscriber through a mobile network as stated above. It is inherent in such systems that the EPG data may be transparently pushed to the subscriber's terminal or downloaded

upon request. Further, it is well known in the art that a channel may be selected by searching EPG data. Margulis also discloses converting the A/V data of a selected channel into the data agreed with the standard of the mobile network and transmitting the data through the channel of the network as stated above.

Regarding Claim 29, Margulis discloses a broadcasting service system using a mobile communication terminal as stated above comprising an analog broadcasting reception means which receives an analog television broadcasting system as stated above. Further disclosed is a digital converting means which converts the analog broadcasting signal received by the analog broadcasting reception means into a digital signal as stated above. An encoding-converting mean is disclosed which converts the digital broadcasting signal converted by the digital converting means into a signal agreed with the mobile communication network and an allotting-transmitting means is disclosed which allots the converted digital broadcast signal by the encoding-converting means on the certain transmission channel of the network and transmits it as is stated above.

Regarding Claim 30, Margulis discloses a system as stated above in Claim 29 wherein the system includes an EPG signal and additional information abstracting means for abstracting the EPG signal and additional information and an encoding-converting means for converting the EPG signal and additional information into a signal agreeing with the mobile network as stated above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5-7, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Margulis.

Regarding Claim 5, Tracton discloses a system as stated above in Claim 1. Tracton further discloses formatting a converted broadcasting signal with a converting-controlling means which convert-controls transmission rate in order to agree with the transmission rate of the mobile communication network as stated above in Claim 4. What is not disclosed, however, is that the converting means includes a digital signal converting means that converts an analog television-broadcasting signal into a digital signal. Margulis discloses a wireless television system (See Figure 1) that accepts a variety of inputs including analog audio/video (122 and 128). The input is then processed into a format that is compatible with the wireless client (Col. 7, Lines 36-44). The analog data is further digitized during this process (Col. 7, Lines 54-56). Margulis is evidence that ordinary workers in the art would recognize the benefits of converting received analog A/V signals into digital ones for transmission to a wireless client. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tracton with the analog to digital conversion of

Margulis in order to support a wide variety of broadcast A/V formats in a wireless television system.

Regarding Claims 6 and 7, Tracton discloses a system as stated above in Claim 1. Tracton further discloses that the transmitting means includes a putting means which puts the formatted digital A/V data on a transmission channel as stated above in Claim 9. What is not disclosed, however, is that the data is put on the transmission channel with additional broadcasting information. Margulis discloses a wireless television system as stated above wherein additional broadcasting information is put on the transmission channel with the A/V data (Col. 4, Lines 44-55) including program guide information. Margulis is evidence that ordinary workers in the art would recognize the benefits of supporting various types of supplemental data transmissions in a wireless television system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system of Tracton with the additional data of Margulis in order to provide additional information, such as an electronic program guide, to the user.

Regarding Claim 12, Tracton discloses a system as stated above in Claim 11. Tracton in view of Margulis disclose a system wherein additional data, including electronic program guide data is transmitted along with the A/V data to the client as stated above in Claim 7. It is inherent that the mobile communication terminal includes a receiving-decoding means for receiving and decoding the EPG signal.

Regarding Claim 14, Tracton discloses a system as stated above in Claim 11. Tracton also discloses the client has a browser (Col. 7, Lines 26-28) and a web server

(Col. 5, Lines 16-19). Further, Tracton in view of Margulis disclose a system wherein EPG data is transmitted to the client as stated above. The combination of Tracton in view of Margulis would therefore disclose the utilization of the web server and browser to access the EPG data and additional information.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of U.S. Patent No. 6,246,430 to Peters et al.

Regarding Claim 10, Tracton discloses a system as stated above in Claim 1. What is not disclosed however is the inclusion of an identifying means that identifies a subscriber subscribed to the television video and audio signal and a payment demanding means that demands a payment corresponding to a reception of the A/V signal. Peters discloses a video telephone system (See Figure 2) with a video server (Col. 2, Lines 32-34). The users of the video telephone must insert a chip-card into the video telephone, thereby identifying themselves to the device (Col. 4, Lines 1-12). A subsequent charge is issued for the purchase (Col. 4, Line 14-16). Peters is evidence that ordinary workers in the art would appreciate the ability to identify a subscriber and charge for services in a video telephone system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tracton with the identification and charging of Peters in order to implement pay-per-view type services on a wireless video transmission system.

8. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis in view of Peters et al.

Regarding Claims 27 and 28, Margulis discloses a method as stated above in Claim 26. What is not disclosed, however, is a system wherein a right for watching the digital broadcast is granted to a subscriber and the EPG information is provided to the subscriber after confirming and certifying the right. Peters discloses a video telephone system (See Figure 2) with a video server (Col. 2, Lines 32-34). The users of the video telephone must insert a chip-card into the video telephone, thereby identifying themselves to the device (Col. 4, Lines 1-12). A subsequent charge is issued for the purchase (Col. 4, Line 14-16). This reads on the claimed right for watching the digital broadcast is granted to the subscriber. If the user does not authenticate, the video telephone unit remains locked (Col. 4, Line 4). This reads on the claimed providing information to the subscriber after confirming and certifying the right. Peters is evidence that ordinary workers in the art would appreciate the ability to restrict access to content based on subscriber identification and payment in a wireless television system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Margulis with the identification, payment and privileges of Peters in order to prevent unauthorized access to certain content in a video telephone system.

9. Claims 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis in view of Tracton et al.

Regarding Claim 31, Margulis discloses a system as stated above in Claim 29. What is not disclosed, however, is that the encoding-converting means encodes the analog/digital converted broadcasting signal into a format agreed with the mobile communication network such as MPEG4 and puts it on the transmission channel. Tracton discloses a system wherein data sent to the mobile communication network is in the MPEG 4 format (Col. 4, Lines 45-49). Tracton is evidence that ordinary workers in the art would recognize the benefit of using MPEG4 with a mobile communication network. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Margulis with the MPEg4 of Tracton in order to transmit audio and video over a mobile communication network at a sufficiently low bit-rate to accommodate the low bandwidth of the network link.

Regarding Claim 32, Margulis discloses a mobile communication subscriber terminal as stated above comprising a broadcasting reception means (See Figure 7, 724) that receives a broadcasting signal that includes motion picture information as stated above. Further disclosed is a decoding means (732) which restores the received broadcast signal by the broadcasting reception means. An outputting means is disclosed (212) which outputs the restored broadcast signal by the decoding means for being watched on the mobile communication terminal. A selecting means (See Figure 3, 312) is disclosed for selecting the broadcasting signal reception mode. What is not disclosed, however, is a communication processing means that receives a call signal provided to the subscriber through the mobile communication network and restore-outputs the call signal, and coding-outputs a subscriber call signal through the mobile communication network.

Tracton discloses a mobile A/V reception device as stated above that may be incorporated into a cellular phone (Col. 7, Lines 26-28). It is inherent in such phones that there be a communication processing means as claimed above. Further, in a cellular phone enabled with mobile video reception, a selection means for selecting broadcast signal mode or mobile communication telephone call mode is inherent. Tracton is evidence that ordinary workers in the art would recognize the benefits of using a cellular phone platform in a mobile communication subscriber terminal with video reception. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Margulis with the communication processing means and selection means of Tracton in order to provide phone service as part of the mobile communication subscriber terminal.

Regarding Claim 33, Margulis in view of Tracton disclose a system as stated above in Claim 32. Margulis further discloses a system wherein the broadcasting reception means includes an antenna (720) and a tuner (724), the decoding means includes a demodulation means (732) for demodulating a video and audio of the analog television broadcasting signal selected from the tuner and outputting means includes a speaker (770) for outputting the demodulated voice signal and a monitor (212) for displaying the demodulated video signal when the television signal is the analog television broadcasting in order to watch the analog television broadcasting signal on the mobile communication terminal.

Regarding Claim 34, Margulis in view of Tracton disclose a system as stated above in Claim 32. Margulis further discloses a terminal wherein the broadcasting

reception means includes a bit stream reception means (720) for receiving the bit stream from the terminal antenna and the digital broadcasting signal, the decoding means (732) includes a demodulation and restoring means (724) for demodulating the video and audio data of the digital television broadcasting signal and restoring the demodulated video and audio data, the outputting mean (770) including the speaker for outputting the restored audio signal and the monitor (212) for displaying the restored video signal when the broadcasting signal is the digital television broadcasting signal in order to watch the digital television broadcasting signal on the mobile communication terminal.

Regarding Claim 35, Margulis in view of Tracton disclose a system as stated above in Claim 32. Tracton further discloses that the mobile communication subscriber terminal is a cellular phone as stated above.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. U.S. Patent No. 6,272,575 to Rajchel discloses a PDA that can be used for telephony or television broadcast receiving.

b. U.S. Patent No. 6,459,906 to Yang discloses a TV phone with an on-screen display and channel selection.

c. U.S. Patent No. 6,006,318 to Hansen et al. discloses a programmable media processor for audio and video using a satellite link or wireless network using compressed streams.

d. U.S. Patent No. 6,104,334 discloses a remote control with a graphical display for displaying an EPG.

e. U.S. Patent No. 5,812,930 to Zavrel discloses a data display system such as a PDA that integrates with a wireless phone and has a TV tuner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

MRD

mrd
August 19, 2003

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
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